



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,227	08/07/2001	John Blair	7106-001 REG US	2450

7590 07/06/2009
DIANE VAN OS, PATENT ADMINISTRATOR ,VISIONEER INC.
8016 SOUTH DEERCREEK CANYON RAOD
MORRISON, CO 80465-9530

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/924,227	Applicant(s) BLAIR ET AL.	
	Examiner NEGUSSIE WORKU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/31/03; 11/18/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2009, has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 6, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection. Further, claim 6 was indicated as having allowable subject matter. Based on the allowable indication in the last Office action, applicant amended the claims by cancelling the rejected claims, and introduced new claims, hoping that the remaining claims to be allowed. However, after the examiner has consulted with his supervisor, and a search was conducted, the previously indicated allowance to claims has been withdrawn. For the reasons the newly found prior arts are read on the claim 6, 23 and 34. Therefore, the claims are not in the form of allowance based on a new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 6, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Murata (USP 6,111,659).

Referring to claim 6, Murata '659' teaches an image processing method (as shown in fig 1 through 17) in an image acquisition apparatus (image reader 120 of fig 16) connected to at least one USB equipped computer (image reader 120 is connected to computer 121, via connection cable 122 (i.e. USB), which is USB equipped system, as shown in fig 16, discussed in col.13, lines 45-65) comprising: an image input step for inputting image data into a control circuit within said apparatus (a system shown in fig 16, having an image inputting means i.e. image reader 120 of fig 16, inputting data in to computer 121 i.e. a control circuit [CPU] within the system of fig 16, see col.13, lines 60-65); a transmittal step for sending said image data from said control circuit through the USB system of said computer (image data from the image reader 120 via transmission cable 122, transferred or exchanged to computer 121 (i.e. a control circuit [CPU] as shown in fig 16 discussed in col.13, lines 45-65); an interface step for said control circuit

Art Unit: 2625

to receive instructions from, and send data to, control software on said computer upon detection of the insertion of the appropriate media into at least one of a Compact Flash Memory card reader, (the interface step of fig 16, where image reader 120 interface computer 121, which is a control circuit [CPU] via connection cable 122) a Smart Media card reader, a PC or PCMCIA Card reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and a IBM Microdrive reader, (the system of fig 16, having at least one a memory card reader 124 of fig 16, where a memory card installed into and removed from image reader slot 123 of fig 16 to down load a read function information to the memory card 124, see col.13, lines 45-65 and col.15, lines 50-65 through col.16, lines 1-20), wherein the inventive software automatically launches a user interface upon insertion and detection thereof and offers one or more user options to process the data without having to press a button on the scanner (since the system of fig 16, has a software, col.11, lines 48-53, the software execute and generate a scan job command file as shown in fig 20, discussed col.15, lines 56-66, in which the system [a scanner in connection with computer 121, can be controlled by a software stored in a memory card 124 inserted to scanner to down load a read function information to the memory card 124,col.15, line 5-15, 30-65).

Referring to claim 23, Murata '659' teaches an the method (as shown in fig 1 through 17), wherein the processing method (as shown in fig 16), is accomplished by insertion of any of said media into one of two card reader slots contained within a flatbed scanning device (the image processing system of fig 16, comprises a memory

Art Unit: 2625

card 124, flatbed scanner 120 having a card insertion slot 123 as shown in fig 16) independent of mechanical means or capabilities other than a flatbed scanner connected to a USB equipped computer (image data from the image reader 120 via transmission cable 122, transferred or exchanged to computer 121 (i.e. a control circuit [CPU] as shown in fig 16 discussed in col.13, lines 45-65).

Referring to claim 24, Murata '659' teaches the method (as shown in fig 1 through 17), wherein the processing method may be initiated solely upon insertion of any of said media, and whereupon a user interface is automatically launched on said connected computer without further steps by a user (image data from the image reader 120 via transmission cable 122, transferred or exchanged to computer 121 (i.e. a control circuit [CPU] as shown in fig 16 discussed in col.13, lines 45-65); said user interface providing one or more options for further processing of data obtained from said media (the system of fig 16, has a software, [col.11, lines 48-53], the software execute and generate a scan job command file [as shown in fig 20, discussed col.15, lines 56-66], in which the system [a scanner] in connection with computer 121, can be controlled by a software stored in a memory card 124 inserted to scanner to down load a read function information to the memory card 124,col.15, line 5-15, 30-65).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/
Examiner, Art Unit 2625